	Case 5:07-cv-03012-PVT Document 7	73 Filed 01/25/2008 Page 1 of 3				
1 2 3 4 5 6 7 8 9	Kenneth B. Wilson, Calif. Bar No. 130009 KWilson@perkinscoie.com PERKINS COIE LLP Four Embarcadero Center, Suite 2400 San Francisco, CA 94111-4131 Telephone: 415.344.7000 Facsimile: 415.344.7050 Attorneys for Defendant SIMMONS BEDDING COMPANY and Defendant and Counterclaimant DREA Darien K. Wallace, Calif. Bar No. 139798 T. Lester Wallace, Calif. Bar No. 159967 IMPERIUM PATENT WORKS P.O. Box 587 Sunol, CA 94586 Telephone: 925.862.9972 Facsimile: 925.835.5804	MWELL, LTD.				
11	Attorneys for Plaintiff and Counterdefendant					
12	ZINUS, INC.					
13	UNITED STATES DISTRICT COURT					
14	NORTHERN DISTRICT OF CALIFORNIA					
15	SAN JOSE DIVISION					
16						
17	ZINUS, INC. a California Corporation,	Case No. 07-CV-03012-PVT				
18	Plaintiff,	STIPULATION AND PROPOSED ORDER				
19	V.	ENLARGING BRIEFING SCHEDULE FOR PLAINTIFF ZINUS' MOTION FOR				
2021	SIMMONS BEDDING COMPANY, a Delaware corporation, and DREAMWELL, LTD., a limited liability company of	SUMMARY JUDGMENT OF NON-				
22	Nevada,					
23	Defendants.	Date: February 19, 2008 Time: 10:00 a.m.				
24		Location: Courtroom 5 Before: The Honorable Patricia V. Trumbull				
25						
262728	AND RELATED COUNTERCLAIMS					
40	STIPULATION ENLARGING BRIEFING FOR SUMMARY JUDGMENT MOTION 07-CV-03012-PVT	-1-				

07-CV-03012-PVT

WHEREAS on January 14, 2008, plaintiff and counterclaim defendant Zinus, Inc. ("Zinus") filed a Motion for Summary Judgment of Non-Infringement Due to No Direct Infringement (the "Second Motion for Summary Judgment"), and set the motion for hearing on February 19, 2008; and

WHEREAS defendant and counterclaimant Dreamwell, Ltd.'s ("Dreamwell's") Opposition to Zinus' Second Motion for Summary Judgment is presently due on January 29, 2008; and

WHEREAS on January 17, 2008 the Court issued an Interim Order re Plaintiff Zinus, Inc.'s Motion for Reconsideration in which it directed Dreamwell to file a "hypothetical claim" brief in connection with that motion, which is also due on January 29, 2008; and

WHEREAS counsel for Dreamwell has been sick and out of the office from January 14, 2008, through today, with the exception of a couple of hours in the office on January 24; and

WHEREAS counsel for Dreamwell would not have time or opportunity to adequately respond to Zinus' Second Motion for Summary Judgment on the current briefing schedule; and

WHEREAS Zinus is anxious to have its Second Motion for Summary Judgment resolved at the earliest opportunity and does not wish to extend the hearing date for the motion;

THEREFORE, pursuant to Local Rule 6, it is hereby stipulated between Zinus and Defendants, by and through their respective counsel and subject to the Court's approval, that the briefing schedule on Zinus' Second Motion for Summary Judgment may be modified as follows: Dreamwell's Opposition to the motion shall be filed on or before Tuesday, February 5, 2008, and Zinus' Reply in support of the motion shall be filed on or before Tuesday, February 12, 2008. The hearing on the Second Motion for Summary Judgment shall remain scheduled for Tuesday, February 19, 2008.

25

26

27

28

	Case 5:07-cv-03012-PVT	Document 73	Filed 01/25/2008	Page 3 of 3	
1	Dated: January 25, 2008				
2	PERKINS COIE LLP				
3		D	, ,		
4		Ву	Kenneth B.	Wilson	
5		Attorne	ys for Defendant DNS BEDDING COMF) A NISZ	
6 7				imant DREAMWELL,	
8	Dated: January 25, 2008				
9	IMPERIUM PATENT WORKS				
10		Dev	lal		
11		Бу	/s/ Darien K. W	Vallace	
1213	Attorneys for Plaintiff and Counterdefendant ZINUS, INC.				
13					
	ATTESTATION PURSUANT TO GENERAL ORDER 45				
1516	I, Kenneth B. Wilson, hereby attest that concurrence in the filing of this document has				
17	been obtained from the other signatory.				
	I declare under penalty of perjury under the laws of the United States of America that the				
18	foregoing is true and correct. Executed on January 25, 2008 in San Francisco, California.				
19					
20	Kenneth B. Wilson				
21					
2223	PURSUANT TO STIPULATION, IT IS SO ORDERED:				
24					
2526	Dated: January, 2008 The Honorable Patricia V. Trumbull				
	United States Magistrate Judge				
2728					
40	STIPULATION ENLARGING BR	LIEFING	2		

FOR SUMMARY JUDGMENT MOTION 07-CV-03012-PVT